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June 2, 2008

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JUDGE SCHEINDLIN

BY FACSIMILE

The Honorable Shira A. Scheindlin
United States District Court
Southern District of New York
500 Pearl St., Room 1620
New York, New York 10007

Re: Yurman Studio, Inc., et al. v. Elena Castaneda & Ejeweler LLC d/b/a
Overstockjeweler.com — 07-cv-1241 [rel. 07-cv-7862] (S.D.N.Y.) (SAS) (HP)

Dear Judge Scheindlin:

We represent Plaintiffs in the above-referenced consolidated actions.

As Your Honor is aware, Plaintiffs will be moving for partial summary judgment on or before June 13, 2008. In anticipation of Plaintiffs' motion, we write to respectfully request relief from Your Honor's Individual Rules and Procedures ("Rules") regarding the submission of affidavits and exhibits. Specifically, Plaintiffs seek relief from Paragraph III(H) of the Rules, which states that "[p]arties are limited to a total of five affidavits each", "[a]ffidavits may not exceed ten double-spaced pages", "parties are limited to a total of fifteen exhibits", and "[e]ach exhibit is limited to fifteen pages."

As Your Honor will recall, these actions involve ten named plaintiffs, which represent five different design houses engaged in the design and sale of jewelry and watch products. Collectively, Plaintiffs will be moving for summary judgment with respect to over fifty separate claims for copyright infringement, trademark infringement and design patent infringement. Approximately forty of these claims are based on Plaintiffs' respective ownership of U.S. copyright and trademark registrations and design patents. Plaintiffs intend to offer these registrations, along with relevant assignments and documents depicting the individual jewelry and watch products offered for sale by Defendants, which Plaintiffs' claim are infringing, in support of their motion for summary judgment.

In light of the number of plaintiffs and individual jewelry and watch products at issue on this motion, Plaintiffs respectfully request permission to submit one additional affidavit (so that an attorney's affidavit may be submitted in addition to an affidavit from each of the five design house plaintiffs), and to exceed Your Honor's affidavit page limitation, exhibit limitation, and exhibit page number limitation, only to the extent necessary to make our clients' basic evidence of record.

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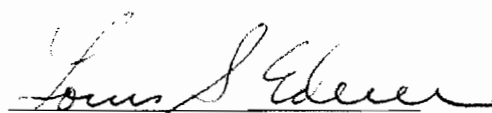
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We thank the Court for its consideration of this request.

Respectfully,

ARNOLD & PORTER LLP

By:



Louis S. Ederer

cc: Scott Zarin, Esq.

Plaintiffs' request for a waiver of the Court's Individual Rules & Procedures (§ III.H) is granted in part. Plaintiffs may submit a maximum of 370 pages of exhibits—i.e., a maximum of 10 pages for each of the 37 designs on which plaintiffs will move for summary judgment. Those 10 pages per design shall be limited to proof of copyright, trademark, and/or design patent registration, photographic evidence of plaintiffs' design, and that of defendant's allegedly infringing design. There will be no extension of the number of affidavits and no extension of the number of pages for the memorandum of law in support of the motion.

date: June 6,
2008 .

SO ORDERED:


Shira A. Scheindlin USDC